Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 114	10
Bill #: HB 454 SCS	<u>S 1</u>
Document ID #:	
Bill Subject/Title:	AN ACT relating to the human rights of unborn children and declaring an emergency
Sponsor: Representative Addia K. Wuchner	
Unit of Government:	xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
Office(s) Impacted:	jails and local law enforcement
Requirement:x	Mandatory Optional
Effect on Powers & Duties:	Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 454 SCS 1 would prohibit intentionally performing or inducing or attempting to perform or induce an abortion that would result in bodily dismemberment, crushing, or human vivisection of the unborn child when the post-fertilization age of the unborn child is 11 weeks or more. **HB 454 SCS 1, Section 1** would add a definition for "unborn child" as the same as in KRS 311.781. **Section 2** of the bill would establish intentional violation of Section 1 as a Class D felony, except by the pregnant woman on whom such abortion or attempt was performed.

The number of violators of **HB 454 SCS 1** should not be large, so its passage would result in minimal increase in work load for local law enforcement and minimal increase in incarceration rates and costs for local jails. Therefore, there would be **minimal fiscal impact on local governments**. The greatest fiscal impact of the bill would be prosecutors' increased costs, which may be significant, due to the necessity of medical expert witnesses for cases that go to trial. Such expert testimony may cost \$3000-\$5000 per trial. Since

commonwealth's attorneys prosecute felonies any increased costs would fall more on their offices than on county attorneys, who prosecute misdemeanors.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or four life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence and the Department of Corrections pays the jail \$31.34 per day. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The local mandate statement for HB 454 SCS 1 is the same as for the GA version. HB 454 SCS 1 adds a definition for "unborn child" and makes no other changes to the bill. SCS 1 does not change the fiscal impact on local governments.

The local mandate statement for HB 454 GA is the same as the local mandate statement for the bill as introduced. HB 454 GA makes no changes to the bill as introduced.

Data Source(s): LRC staff; Department of Corrections

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 3/22/18